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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,598	12/30/2003	Norihiro Edwin Aoki	AOL0106	3370
22862	7590	03/07/2006		
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,598

Applicant(s)

AOKI, NORIHIRO EDWIN

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 34-61** are rejected under 35 U.S.C. 102(b) as being anticipated by Paul (US 5,999,932).

Regarding **claim(s) 34**, Paul discloses a computer implemented method of operating a subscription manager to manage incoming machine readable messages arriving at a communications network having multiple remote user recipients (FIG. 1 and column 1, lines 7-20), the method comprising the operations of:

examining incoming messages for prescribed attributes indicative of the messages arising due to user recipient subscription to machine-automated services of providing such messages (column 9, lines 48-55);

responsive to finding the prescribed attributes in a given message, the given message having at least one addressee (column 9, lines 48-55), performing operations comprising:

determining whether the given message originated from a subscription source pre-approved by the given message's addressee for sending subscribed-to messages to the addressee (column 9, lines 56-64);

if the given message originated from a subscription source pre-approved by the given message's addressee, forwarding the given message to the addressee (column 9, lines 32-45);

if the given message did not originate from a subscription source pre-approved by the given message's addressee, blocking delivery of the given message to the addressee (column 9, lines 56-67).

Regarding **claim(s) 35 and 49**, Paul discloses a method, further comprising: responsive to absence of the prescribed attributes in a given message, forwarding the given message to its addressee regardless of whether the given message originated from a subscription source pre-approved by the given message's addressee (column 7, lines 26-40).

Regarding **claim(s) 36 and 50**, Paul discloses a method, the operation of blocking delivery of the given message comprising at least one of the following: 1) refusing the given message, 2) returning the given message to its sender, 3) discarding the message, 4) prompting the given message's addressee for confirmation that the addressee requested the given message, and only upon receiving the confirmation, forwarding the given message to the addressee (column 7, lines 26-40).

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Regarding **claim(s) 37 and 51**, Paul discloses a method, the operation of blocking delivery of the given message further comprising: presenting to the given message's addressee an offer of a subscription to a machine-automated service of providing messages rejected to the given message, and only upon receiving acceptance of the offer, performing operations of forwarding the given message to the addressee (column 6, lines 20-40);

pre-completing a subscription activation form and providing the pre-completed form to the addressee (column 6, lines 20-40);

responsive to the addressee's acceptance of the form, on behalf of the addressee obtaining from a source of the given message a subscription to a machine-automated service providing future messages relating to the given message (column 6, lines 20-40).

Regarding **claim(s) 38 and 52**, Paul discloses a method, where the subscription manager is operated by a first entity (column 7, lines 26-40);

the operation of blocking delivery of the given message further comprises, only if the prescribed attributes found in the given message include evidence that the given message originated from a recognized business partner of the first entity, presenting the addressee with at least one of the following user-activated options: (1) to receive the message, (2) to obtain from a source of the given message a subscription to a machine-automated service providing future messages relating to the given message (column 7, lines 26-40).

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Regarding **claim(s) 39 and 53**, Paul discloses a method, where the subscription manager is operated by a first entity (column 8, lines 35-43);

the operation of examining incoming messages for the prescribed attributes comprising examining incoming messages for evidence that the messages originated from recognized business affiliates of the first entity (column 8, lines 35-43).

Regarding **claim(s) 40 and 54**, Paul discloses a method, where the subscription manager is operated by a first entity (column 6, lines 20-40);

the operations further comprise maintaining a record of machine-readable indicia provided by business affiliates of the first entity and serving to uniquely identify each said business affiliate (column 6, lines 20-40);

the finding of the prescribed attributes in a given message is satisfied by conditions including the given message including any of the identifying indicia (column 6, lines 20-40).

Regarding **claim(s) 41 and 55**, Paul discloses a method, where the operation of forwarding the given message to the addressee further comprises: including with the forwarded given message an indication that the subscription manager has approved the forwarded given message (column 8, lines 35-67).

Regarding **claim(s) 42 and 56**, Paul discloses a method, where the operation of, if the given message originated from a subscription source pre-approved by the given message's addressee, forwarding the given message to the addressee further comprises: determining which of the following that the given message pertains to: subscription maintenance or subscription content (column 6, lines 20-40);

making a different presentation of the given message to the addressee depending on whether the message pertains to subscription content or subscription maintenance (column 6, lines 20-40).

Regarding **claim(s) 43 and 57**, Paul discloses a method, where the operation of, if the given message originated from a subscription source pre-approved by the given message's addressee, the operation of forwarding the given message to the addressee further comprises: determining which of the following that the given message pertains to subscription maintenance or subscription content (column 6, lines 20-40);

only if the given message pertains to subscription maintenance, performing operations comprising: presenting the given message's addressee with a user-activated cancellation message (column 6, lines 20-40);

responsive to activation of the cancellation message, the subscription manager negotiating cancellation of the subscription with the subscription source free of further input by the given message's addressee (column 6, lines 20-40).

Regarding **claim(s) 44 and 58**, Paul discloses a method, where the operation of, if the given message originated from a subscription source pre-approved by the given message's addressee, forwarding the given message to the addressee further comprises: detecting whether the given message pertains to a new subscription requiring further acts by the addressee to activate the subscription, and if so, negotiating activation of the subscription with the subscription source free of further input by the given message's addressee (column 7, lines 26-40).

Regarding **claim(s) 45 and 59**, Paul discloses a method, the operation of determining whether the given message originated from a subscription source pre-approved by the given message's addressee comprising: determining whether at least one of the following attributes of the given message matches attributes stored in a subscriptions database origination address, alias origination address, proxy destination address, message subject, ID code name, other unique identifier field (column 7, lines 26-40).

Regarding **claim(s) 46 and 60**, Paul discloses a method, the messages being of at least one of the following types: email, instant messaging, telephonic, radio, television, wireless, tem, audio, visual, and combinations thereof (column 6, lines 20-40).

Regarding **claim(s) 47 and 61**, Paul discloses a method, the operations further comprising: providing participating users with utilities for abbreviated creation, modification, and cancellation of subscription arrangements (column 8, lines 35-43).

Regarding **claim(s) 48**, Paul discloses all the limitations of **claim(s) 48** as stated in **claim(s) 34** 's rejection above and furthermore discloses a subscription manager programmed to perform computer-executed operations (INCLUSION LIST MANAGER 102 on FIG. 1).

Response to Arguments

3. Applicant's arguments with respect to **claim(s) 34-61** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

g.g.
March 3, 2006


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